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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,565	03/19/2004	Dan Siegel	P-0313 LT	7083

7590 03/10/2005

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EXAMINER

CAMPBELL, THOR S

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/804,565	Applicant(s) SIEGEL ET AL.	
	Examiner Thor S. Campbell	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
4a) Of the above claim(s) 4-7 and 45-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-20, 23-29, 31-35, 38, 43, 44, 49 and 50 is/are rejected.
- 7) ☒ Claim(s) 21, 22, 30, 36, 37 and 39-42 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

THOR S. CAMPBELL
PRIMARY EXAMINER

DETAILED ACTION

Claims 4-7, 45-48 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/27/04.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "said bench top grill kit". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8-11, 13-20, 24-29, 31-35, 43, 44, 49, 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Grove et al. (US 4413173).

Grove discloses the claimed invention including a device comprising a main body unit defining at least a first channel; at least two surfaces bounding channel; at least two of said at

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least two surfaces opposing each other; at least two heating elements proximate respective said at least two bounding surfaces providing a thermal energy inwardly to said at least first channel during a use; means for providing a lateral access to said surface so that an item can be introduced through one lateral end to be positioned proximate said heating elements; means for detecting an insertion of an items into said channel and for detecting a removal of said item from said channel; and said means for detecting including means for actuating at least one of said heating elements upon a detection of said insertion of said item thereby enabling said item to be heated, and for deactivating said at least one of said heating elements upon removal of said item from said channel there by providing a safe deactivation of said device. It is noted that applicant's broad construction of claims leads to the common toaster oven reading on the above claims. Specifically, applicant's claimed means for providing access can be read as a door; means for detecting insertion read as the door open cut out switch; the safety guards reads as heat shields around the electric heating elements; utensil support read as either the top of the device on which a fork could rest or opposing ledges on the sides on which a fork could be supported.

Claims 12, are rejected under 35 U.S.C. 102(b) as being anticipated by Schneider (US 5686004)

Schneider discloses the claimed invention including a device comprising a main body unit defining at least a first channel; at least two surfaces bounding channel; at least two of said at least two surfaces opposing each other; at least two heating elements proximate respective said at least two bounding surfaces providing a thermal energy inwardly to said at least first channel during a use; means for providing a lateral access to said surface so that an item can be introduced through one lateral end to be positioned proximate said heating elements; means for

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detecting an insertion of an items into said channel and for detecting a removal of said item from said channel; and said means for detecting including means for actuating at least one of said heating elements upon a detection of said insertion of said item thereby enabling said item to be heated, and for deactivating said at least one of said heating elements upon removal of said item from said channel there by providing a safe deactivation of said device. Further Schneider discloses a conveyor type oven having opposite access points to the channel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grove et al.

Grove discloses the claimed invention except the use of a non-stick surface in order to facilitate cleaning. It is generally well known in the art to employ such non-stick surfaces in cooking devices to facilitate cleaning. It would have been obvious to one of ordinary skill in the art to provide the safety guards with a non stick coating to facilitate cleaning since it was known in the art to do so.

Allowable Subject Matter

Claims 21-22, 30, 36, 37, 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

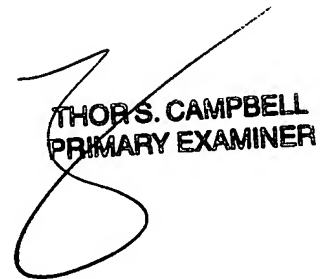
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thor S. Campbell whose telephone number is 571-272-4776. The examiner can normally be reached on Mon-Fri 5:30AM-2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TSC


THOR S. CAMPBELL
PRIMARY EXAMINER